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May 16, 2025

Via ECF:

The Honorable Kenneth M. Karas, U.S.D.J.
United States District Court
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Minchala et al v. Jarro Contracting Co, Inc. et al
Civil Docket No.: 7:25-cv-01002-KMK

Dear Judge Karas:

We represent the Plaintiffs in this FLSA Action, and we submit this letter motion to respectfully request a brief three-week extension of time for Plaintiffs to file their anticipated Motion by Order To Show Cause for a Default Judgment and damages in a sum certain (“Motion”) as against Jarro Contracting Co, Inc., and Fabian Jarro, individually (“Defendants”). This is Plaintiffs’ first request for any extension of time in this matter, and a granting of this request will not prejudice any of the Defendants, who still have not responded, appeared, answered or otherwise indicated any intention of defending in this action, and to date, remain in default herein.

By letter dated April 4, 2025, Plaintiffs requested thirty (30) days to file their Request for Certificate of Default against Defendants, and for thirty (30) days from the date of the Clerk’s entry of Defendants’ default for Plaintiffs to file their anticipated Motion – short of Defendants answering or appearing by these dates. Dkt. No. 11. Your Honor granted Plaintiffs’ request on April 4, 2025 and an order to that effect was uploaded to the docket on April 7, 2025. Dkt. No. 12.

On April 16, 2025, without waiting the full thirty (30) days permitted by the Court, upon the Plaintiffs’ request, the Clerk of Court entered a Clerk’s Certificate of Default against both Defendants, “certify[ing] that the docket entries indicate that the Defendants have not filed an answer or otherwise moved with respect to the complaint herein.” Dkt. No. 15. Lastly, on April 18, 2025, Plaintiffs served Defendants with a true and correct copy of the Clerk’s Certificate of Default by mail, and filed proof of service on the docket. Dkt. No. 16.

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Based on the foregoing, Plaintiffs' Motion is currently due by May 16, 2025 (one month from April 16, 2025). However, we are currently in the process of drafting the Plaintiffs' Motion papers and any supporting materials to be submitted therewith, and some additional time is required to do so. As such, we respectfully request a three week extension of time for Plaintiffs to complete the process, draft and file these documents with the Court.

A granting of this three week extension request also serves to permit Defendants with additional time and opportunity to retain counsel or appear on this matter, and for Defendants or any defense counsel acting on their behalf to interpose a response to the Complaint herein so that this matter may be adjudicated on the merits, rather than by a default, as Plaintiffs prefer; or failing same, for Plaintiffs to file their Motion. Moreover, a grant of this request will not affect any other scheduled date or deadline in this matter.

A copy of this letter is being served on Defendants at both their last known address and their registered agent address for service of process. Should Defendants retain counsel in this matter, or contact us directly, we will promptly notify the Court of same. If this request is granted, Plaintiffs will be able to submit their Motion papers on or before June 6, 2025.

We thank the Court for its kind attention to this matter and we remain available to provide any additional information.

Granted.

So Ordered.

5/19/25

Respectfully Submitted,


Avraham Y. Scher, Esq.

Copies to:

Via Mail To:

Jarro Contracting Co., Inc., and Fabian Jarro, individually

Attn: Fabian Jarro
38 Prospect Avenue
Ossining, NY 10562

188 Tarrytown Road
White Plains, NY 10607